

U.S. PAT. NO. 7,064,197
(USSN 08/486,070)

EXHIBIT 4 TO
AUGUST 10, 2007
COMMUNICATION

MISSING F/W ITEM NO. 4


JUNE 28, 2002
SUPPLEMENTAL
INFORMATION DISCLOSURE
STATEMENT UNDER
37 CFR §§ 1.56 & 1.97-1.98
(WITH EXHIBITS 1-16)

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APPLICANT: STAVRIANOPOULOS ET AL.		<input checked="" type="checkbox"/> Express Mail Label No. EL831284162US
TITLE: ARRAYS AND SYSTEMS COMPRISING ARRAYS FOR GENETIC ANALYSES AND OTHER APPLICATIONS		<input type="checkbox"/> First Class Mailing Date
ENCLOSED ARE: <input type="checkbox"/> Application <input type="checkbox"/> Response to OA <input type="checkbox"/> Declaration <input type="checkbox"/> Amendment <input type="checkbox"/> Drawings <input type="checkbox"/> Issue Fee <input type="checkbox"/> Assignment <input checked="" type="checkbox"/> Other (see below)		DATE MAILED: JUNE 28, 2002
<input checked="" type="checkbox"/> SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §§1.56 & 1.97-1		98 Serial No. 08/486,070
<input type="checkbox"/>		Docket No. ENZ-7(P) (C3)

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<input checked="" type="checkbox"/> SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §§1.56 & 1.97-1		98 Serial No. 08/486,070
<input type="checkbox"/>		Docket No. ENZ-7(P) (C3)



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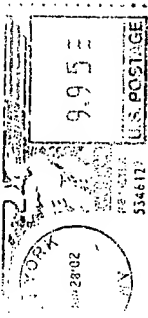
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No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday		Acceptance Clerk Initials		Total Postage & Fees \$		<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only): Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.	
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10/

EL831284162US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jannis Stavrianopoulos et al.

Serial No. 08/486,070

Group Art Unit: 1631

Filed: June 7, 1995

Examiner: Ardin Marschel, Ph.D.

Title: ARRAYS AND SYSTEMS COMPRISING ARRAYS FOR GENETIC ANALYSES
AND OTHER APPLICATIONS (As Previously Amended)

**TRANSMITTAL
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

HON. COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Sir:

Transmitted herewith is a Supplemental Information Disclosure Statement which is being filed in accordance with 37 C.F.R. §§ 1.56 and 1.97-1.98. The items listed on Form PTO-1449, a copy of which is enclosed, may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items and to independently ascertain their teaching.

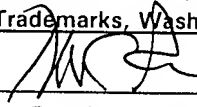
1. [] For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, an English language translation of that item or a portion thereof or a concise explanation of the relevance of that item is enclosed:
2. [] For each of the following items listed on the enclosed copy of form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application.

Jannis G. Stavrianopoulos et al.

Serial No.: 08/486,070

Filed: June 7, 1995

Page 2 [Transmittal - Supplemental Information Disclosure Statement
-- June 28, 2002]

EXPRESS MAIL CERTIFICATE	
"Express Mail" Label No.: <u>EL831284162US</u>	
Deposit Date: <u>June 28, 2002</u>	
I hereby certify that this paper and the attachments herein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.110 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.	
 _____ Ronald C. Fedus Reg. Exhibit 32,567	<u>JUNE 28 2002</u> _____ Date

3. ☐ Any copy of the items on the enclosed copy of Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in the prior ☐ Divisional or ☐ Continuation-In-Part application under 37 C.F.R. §1.60, U.S. Serial No. _____, filed _____.
4. ☐ No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
- ☐ 37 C.F.R. 1.97(b)(1), within three months of the filing date of the above-identified application.
 - ☐ 37 C.F.R. 1.97(b)(2), within three months of the date of entry into the national stage as set forth in 1.491 in an international application.
 - ☐ 37 C.F.R. 1.97(b)(3), before the mailing date of a first Office action on the merits.
5. ☐ No fee is due under 37 C.F.R. 1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. 1.97(e) set forth in paragraph 9 below.
6. ☒ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a notice of allowance (where there has been no prior final action):
- ☐ A check in the amount of \$240.00 is enclosed in payment of the fee.
 - ☒ Charge the fee to Deposit Account No. 05-1135, Order No. ENZ-7(P)(C3).
A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
7. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a notice of allowance, whichever comes first, but before payment of the issue fee, and is accompanied by:

- a. one of the certification pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below; and
 - b. the attached petition requesting consideration of this Information Disclosure Statement; and
 - c. the fee due under 37 C.F.R. §1.17(i)(1) which is paid as set forth in paragraph 10 below.
8. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with:
- a. ☐ 37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition To Withdraw Application From Issue;
 - b. ☐ 37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition To Withdraw Application From Issue.
 - c. ☐ The fee due under 37 C.F.R. §1.17(i)(1) is paid as set forth in paragraph 10 below.
9. ☐ I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- ☐ I hereby certify that no item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
10. ☐ A check in the amount of \$130.00 is enclosed in payment of the fee due under 37 C.F.R. §1.17(i)(1).

Jannis G. Stavrianopoulos et al.

Serial No.: 08/486,070

Filed: June 7, 1995

Page 5 [Transmittal - Supplemental Information Disclosure Statement
-- June 28, 2002]

[x] Charge the fee under 37 C.F.R. §1.17(i)(1) to Deposit Account No. 05-1135. Order No. ~~Enz-7(P)(C3)~~.

A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

[x] The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 05-1135.

A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,



Ronald C. Fedus

Registration No. 32,567

Attorney for Applicants

Dated: June 28, 2002

Mailing Address:

ENZO LIFE SCIENCES, INC.
c/o Enzo Biochem, Inc.
292 Madison Avenue, 9th Floor
New York, New York 10022
Telephone: (212) 583-0100
Telefax: (212) 583-0150

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Stavrianopoulos et al.

Serial No.: 08/486,070

Filed: June 7, 1995

For: ARRAYS AND SYSTEMS COMPRISING
ARRAYS FOR GENETIC ANALYSES AND
OTHER APPLICATIONS
(As Previously Amended)

Group Art Unit: 1631

Ex'r: Ardin H. Marschel, Ph.D.

527 Madison Avenue, 9th Floor
New York, New York 10022
June 28, 2002

FILED VIA EXPRESS MAIL

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§1.56 & 1.97-1.98**

Dear Sirs:

Pursuant to the provisions of 37 C.F.R. §§1.97-1.98, and in full compliance with their duty of disclosure under 37 C.F.R. §1.56, Applicants are filing this Supplemental Information Disclosure Statement. This paper follows Applicants' May 1, 2001 Information Disclosure Statement Under 37 C.F.R. §§1.97-1.98 and §1.56. In submitting this paper, Applicants, through their attorney, are bringing the following fifteen (15) documents to the attention of the U.S. Patent and Trademark Office and the Examiner handling their above-identified application:

Jannis Stavrianopoulos et al.

Serial No.: 08/8486,070

Filed: June 7, 1995

Page 2 [Supplemental Information Disclosure Statement

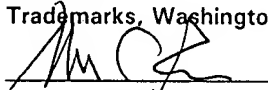
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Ronald C. Fedus
Reg. Exhibit 32,567

JUNE 28 2002

Date

1. Mage M. G., et al, "Mouse Lymphocytes With and Without Surface Immunoglobulin: Preparative Scale Separation In Polystyrene Tissue Culture Dishes Coated With Specifically Purified Anti-Immunoglobulin," Journal of Immunological Methods 15:47-56 (1977) [EXHIBIT 1];
2. Wysocki L. J. and Sato, V. L., "Panning" for lymphocytes: A method for cell selection," Proc.Natl.Acad.Sci.(USA) 75(6):2844-2848 (June 1978) [EXHIBIT 2];
3. Landreth K. S., et al., "Enrichment of human marrow lymphocytes with monoclonal antibodies to murine antigens," Proc.Natl.Acad.Sci.(USA) 79:2370-2374 (1982) [EXHIBIT 3];
4. Bunemann H., et al., "Immobilization of denatured DNA to macroporous supports: I. Efficiency of different coupling procedures," Nucleic Acids Research 10(22):7163-7180 (1982) [EXHIBIT 4];
5. Bunemann H., "Immobilization of denatured to macroporous supports: II. Steric and kinetic parameters of heterogeneous hybridization reactions," Nucleic Acids Research 10(22):7181-7196 (1982) [EXHIBIT 5];
6. Beltz G. A., et al., "Isolation of Multigene Families and Determination of Homologies by Filter Hybridization Methods," Methods in Enzymology 100:266-285 (1983) [EXHIBIT 6];
7. Kafatos F. C., et al., "Determination of nucleic acid sequence homologies and relative concentrations by a dot hybridization procedure," Nucleic Acids Research 7(6):1541-1552 (1979) [EXHIBIT 7];
8. Masiakowski P., et al., "Cloning of cDNA sequences of hormone-regulated genes from the MCF-7 human breast cancer cell line," Nucleic Acids Research 10(24):7895-7903 (1982) [EXHIBIT 8];
9. Sim G. K., et al., "Use of a cDNA Library for Studies on Evolution and Developmental Expression of the Chorion Multigene Families," Cell 18:1303-1316 (1979) [EXHIBIT 9];
10. Frank R., et al., "A new general approach for the simultaneous chemical synthesis of large numbers of oligonucleotides: segmental solid supports," Nucleic Acids Research 11(13):4365-4377 (1983)[EXHIBIT 10];

11. Calva E., et al., "Analysis of the in Vitro Synthesis of 5'- γ -32P-labeled Transcripts from Coliphage λ by Gel Electrophoresis, RNA-DNA Hybridization, and RNase T1 Digestion," The Journal of Biological Chemistry 255(22):11011-11016 (1980) [EXHIBIT 11];
12. Wengler G., et al., "A Study of Nucleotide Sequence Homology Between the Nucleic Acids of Different Alphaviruses," Virology 78:124-134 (1977) [EXHIBIT 12];
13. Coffin J. M. et al., "Structure of the Genome of Moloney Murine Leukemia Virus: A Terminally Redundant Sequence," Cell 13:761-773 (1978) [EXHIBIT 13];
14. Manning J. E. et al., "A New Method of in situ Hybridization," Chromosoma (Berl.) 53:107-117 (1975) [EXHIBIT 14]; and
15. Manning J. et al., "A Method for Gene Enrichment Based on the Avidin-Biotin Interaction, Application to the Drosophila Ribosomal RNA Genes," Biochemistry 16(7):1364-1370 (1977) [EXHIBIT 15].

Of the above-identified documents, the first three (Nos. 1-3) were submitted in Applicants' June 17, 2002 Supplemental Amendment as Exhibits 15-17 attached to the Declaration of Dr. Jannis G. Stavrianopoulos. Ten of these documents (Nos. 3-13) came to Applicants' attention in reviewing the references cited in U.S. Patent No. 5,700,637, issued on December 23, 1997, to Southern (inventor). The last two documents (Nos. 14-15) were described on page 2 in Kourilsky et al., GB 2,019,408 A, the latter already cited of record in this application.

A completed Form PTO-1449 listing the 15 above-submitted documents is also attached hereto as Exhibit 16.

By this voluntary citation of art, Applicants and their attorney are requesting that the documents be made of record in the present application.

The above citation of documents is not a representation that these documents constitute a complete or exhaustive listing, nor that the above listing necessarily includes the closest or most relevant documents, nor are these

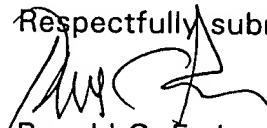
documents necessarily a complete listing of all documents known to Applicants or their attorney. It is simply a voluntary citation of documents made in good faith, which is not intended to serve in any way as a substitute for the Examiner's own search.

In view of the general and specific features described and claimed in the present application, Applicants respectfully submit that the present invention is neither disclosed nor suggested by the documents referred to above and is thus patentably distinct thereover. Furthermore, Applicants do not believe, and do not submit, by the citation of these references, that these documents, either by themselves or in combination with other documents, render the invention *prima facie* obvious under the duty of disclosure rules.

Applicants respectfully request that the Examiner make the above-submitted documents of record in the instant application. Applicants further request that the Examiner consider these documents as any of them may relate to the instant application.

The fee under 37 C.F.R. §1.17(p) for filing this Supplemental Information Disclosure Statement is \$180.00. The Patent and Trademark Office is hereby authorized to charge the amount of this fee (and any other fees in connection with this IDS) to Deposit Account No. 05-1135, or to credit any overpayment thereto.

Respectfully submitted,



Ronald C. Fedus
Registration No. 32,567
Attorney for Applicants

ENZO LIFE SCIENCES, INC.
c/o Enzo Biochem, Inc.
527 Madison Avenue, 9th Floor
New York, New York 10022
Tel. (212) 583-0100

* * * * *

Form PTO-1449 U.S. Department of Commerce

(REV. 8-83) Patent and Trademark Office

INFORMATION DISCLOSURE CITATION
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COPY**Atty. Docket No.
ENZ-7(P)(C3)

Serial No. 08/486,070

Applicants: Jannis Stavrianopoulos et al.

Filed: June 7, 1995

Group: 1631

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPRO- PRIATE

FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANS- LATION YES NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Mage M.G. et al, <u>Journal of Immunological Methods</u> 15:47-56 (1977)
	Wysocki L.J. and Sato, V.L., <u>Proc.Natl.Acad.Sci (USA)</u> 75(6):2844-2848 (June 1978)
	Landreth K.S. et al., <u>roc.Natl.Acad.Sci (USA)</u> 79:2370-2374 (1982)
	Bunemann H. et al., <u>Nucleic Acids Research</u> 10(22):7163-7180 (1982)
	Bunemann H., <u>Nucleic Acids Research</u> 10(22):7181-7196 (1982)

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO-1449 U.S. Department of Commerce (REV. 8-83) Patent and Trademark Office INFORMATION DISCLOSURE CITATION (use several sheets if necessary)	Atty. Docket No. ENZ-7(P)(C3)	Serial No. 08/486,070
	Applicants: Jannis Stavrianopoulos et al.	
	Filed: June 7, 1995	Group: 1631

U.S. PATENT DOCUMENTS

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FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANS- LATION YES NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Beltz G.A. et al., <u>Methods in Enzymology</u> 100:266-285 (1983)
	Kafatos F.C et al., <u>Nucleic Acids Research</u> 7(6):1541-1552 (1979)
	Masiakowski P. et al., <u>Nucleic Acids Research</u> 10(24):7895-7903 (1982)
	Sim G.K. et al., <u>Cell</u> 18:1303-1316 (1979)
	Frank R. et al., <u>Nucleic Acids Research</u> 11(13):4365-4377 (1983)
	Calva E. et al., <u>The Journal of Biological Chemistry</u> 255(22):11011-11016 (1980)
EXAMINER	DATE CONSIDERED
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	Applicants: Jannis Stavrianopoulos et al.	
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U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPRO- PRIATE

FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRAN- SLATION YES NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Wengler G. et al., <u>Virology</u> 78:124-134 (1977)
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	Manning J.E. et al., <u>Chromosoma</u> (Berl.) 53:107-117 (1975)
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